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In the Claims

Please amend claims 1, 5-8, 11-12, 15-16, 19, 21, 24-25, 28-29 and 32 as follows:

1. (Amended)

B4 Hybrid maize seed designated 38J54, representative seed of said hybrid 38J54 having been deposited under ATCC accession number PTA-4339.

5. (Amended)

B5 sub C27 A tissue culture of regenerable cells of a hybrid maize plant 38J54, representative seed of said hybrid maize plant 38J54 having been deposited under ATCC accession number PTA-4339.

6. (Amended)

The tissue culture according to claim 5, the cells or protoplasts being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

7. (Amended)

A maize plant, or its parts, regenerated from the tissue culture of claim 5 and expressing all the morphological and physiological characteristics of hybrid maize plant 38J54, representative seed having been deposited under ATCC accession number PTA-4269.

8. (Amended)

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The maize plant of claim 2 wherein said plant has been manipulated to be male sterile.

11. (Amended)

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A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 2, wherein said maize plant has derived at least 50% of its alleles from 38J54 and is capable of expressing a combination of at least two 38J54 traits selected from the group consisting of: a relative maturity of approximately 91 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average root strength, above average brittle snap resistance, and shorter than other hybrids of similar maturity.

12. (Amended)

The hybrid maize plant according to claim 2, wherein the genetic material of said plant contains one or more transgenes.

15. (Amended)

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A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 12, wherein said maize plant has derived at least 50% of its alleles from 38J54 and is capable of expressing a combination of at least two 38J54 traits selected from the group consisting of: a relative maturity of approximately 91 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average root strength, above average brittle snap resistance, and shorter than other hybrids of similar maturity.

16. (Amended)

The hybrid maize plant according to claim 2, wherein the genetic material of said plant contains one or more genes transferred by backcrossing.

19. (Amended)

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A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 16, wherein said maize plant has derived at least 50% of its alleles from 38J54 and is capable of expressing a combination of at least two 38J54 traits selected from the group consisting of: a relative maturity of approximately 91 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average root strength, above average brittle snap resistance, and shorter than other hybrids of similar maturity.

21. (Amended)

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The maize plant of claim 20 wherein said maize plant has been manipulated to be male sterile.

24. (Amended)

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A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 20, wherein said maize plant has derived at least 50% of its alleles from 38J54 and is capable of expressing a combination of at least two 38J54 traits selected from the group consisting of: a relative maturity of approximately 91 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average root strength, above average brittle snap resistance, shorter than other hybrids of similar maturity, and particularly suited to the Northcentral region of the United States.

25. (Amended)

The hybrid maize plant according to claim 20, wherein the genetic material of said plant contains one or more transgenes.

28. (Amended)

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A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 25, wherein said maize plant has derived at least 50% of its alleles from 38J54 and is capable of expressing a combination of at least two 38J54 traits selected from the group consisting of: a relative maturity of approximately 91 based on the Comparative

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Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average root strength, above average brittle snap resistance, and shorter than other hybrids of similar maturity.

29. (Amended)

The hybrid maize plant according to claim 20, wherein the genetic material of said plant contains one or more genes transferred by backcrossing.

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32. (Amended)

A maize plant, or its parts, wherein at least one ancestor of said maize plant is the maize plant, or its parts, of claim 29, wherein said maize plant has derived at least 50% of its alleles from 38J54 and is capable of expressing a combination of at least two 38J54 traits selected from the group consisting of: a relative maturity of approximately 91 based on the Comparative Relative Maturity Rating System for harvest moisture of grain, excellent yield potential, above average root strength, above average brittle snap resistance, and shorter than other hybrids of similar maturity.

Please add new claims 33 - 40 as follows:

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33. (New)

A method of making a hybrid maize plant designated 38J54 comprising:
crossing an inbred maize plant GE500988, deposited as PTA-4279 with a second inbred maize plant GE533415, deposited as PTA-4288; and
developing from the cross a hybrid maize plant representative seed of which having been deposited under ATCC Accession Number PTA-4339.

34. (New)

A method of making an inbred maize plant comprising:
obtaining the plant of claim 2 and
applying double haploid methods to obtain a plant that is homozygous at essentially every locus, said plant having received all of its alleles from maize hybrid plant 38J54.

35. (New)

A method for producing an 38J54 progeny maize plant comprising:

- (a) growing the plant of claim 2, and obtaining self or sib pollinated seed therefrom; and
- (b) producing successive filial generations to obtain a 38J54 progeny maize plant.

36. (New)

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A maize plant produced by the method of claim 35, said maize plant having received all of its alleles from hybrid maize plant 38J54.

37. (New)

A method for producing a population of 38J54 progeny maize plants comprising:

- (a) obtaining a first generation progeny maize seed produced by crossing the maize plant of claim 2 with a second maize plant;
- (b) growing said first generation progeny maize seed to produce F₁ generation maize plants and obtaining self-pollinated seed from said F₁ generation maize plants; and
- (c) repeating the steps of growing and harvesting successive filial generations to obtain a population of 38J54 progeny maize plants.

38. (New)

The population of 38J54 progeny maize plants produced by the method of claim 37, said population, on average, deriving at least 50% of its alleles from 38J54.

39. (New)

A 38J54 maize plant selected from the population of 38J54 progeny maize plants produced by the method of claim 37, said maize plant deriving at least 50% of its alleles from 38J54.

40. (New)

The method of claim 37, further comprising applying double haploid methods to said F₁ generation maize plant or to a successive filial generation thereof.